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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,600	11/17/2000	James A. Schinnerer	10005282-1	6675

7590

03/12/2003

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 03/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/715,600

Applicant(s)

SCHINNERER ET AL.

Examiner

Mike Rahmjoo

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,11,15, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1,11,15, and 17 the following features are not clear;

It is not clear to the examiner what active and passive stereo videos are? Do they mean that they are in on and off states or are they more or less visible compared to non-stereo states?

### *Double Patenting*

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground

Art Unit: 2676

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1- 19 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 26 of copending Application No.09, 715,882. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of application 09,715,882 discloses receiving first and second multiple digital video data streams (right and left channel pixel data) and claim 6 discloses selectively providing the output composite video data streams as a stereo video data stream (re-sequencing and outputting stereo video data).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1- 5 and 7- 19 are rejected under 35 U.S.C. 102(e) as being anticipated by MacInnis et al, US Patent 6501480, hereinafter, MacInnis.

As per claims 1,11,15, and 17 MacInnis teaches receiving the active stereo video data containing the right channel pixel data and the left channel pixel data corresponding to the image to be rendered in figure 5 through the analog and bypass video into block 50, the MPEG video to Block 160 and in figure 25 through the inputs to MUX 168; re-sequencing the right channel pixel data and the left channel pixel data in column 15 line 44 and figure 7 block 304; and simultaneously outputting corresponding frames of the right channel pixel data and the left channel pixel data for displaying the image to be rendered in passive stereo in figure 5 through the outputs of blocks 168 and 60.

As per claim 2 and 12 MacInnis teaches a frame rate of the pixel data simultaneously output for displaying the image to be rendered in passive stereo is approximately one half of a frame rate of the pixel data of the active stereo video data in column 26 lines 11- 15 and column 38 lines 58- 60.

As per claim 3 and 18 MacInnis teaches receiving the active stereo video data from multiple digital video data streams, each of the multiple digital video data streams being provided by a graphics pipeline, each graphics pipeline being configured to process pixel data

corresponding to at least a portion of the image to be rendered in column 29 lines 4- 8 wherein only a portion of the data is processed(scrolled).

As per claim 4 and 13 MacInnis teaches providing a first left channel frame buffer, a second left channel frame buffer, a first right channel frame buffer, and a second right channel frame buffer; and wherein the step of re-sequencing the right channel pixel data and the left channel pixel data comprises the step of: allocating the right channel pixel data and the left channel pixel data to the first left channel frame buffer, the second left channel frame buffer, the first right channel frame buffer, and the second right channel frame buffer in figure 13 through line buffers 504a- g and column 26 lines 48- 67 and column 27 lines 1- 13 (wherein the number of line buffers is variable).

As per claim 5,14,16 and 19 MacInnis teaches buffering a first frame of the right channel pixel data; buffering a first frame of the left channel pixel data; simultaneously providing the first frame of the right channel pixel data and the first frame of the left channel pixel data for displaying the image to be rendered in column 27 lines 5- 13; determining whether a second frame of the right channel pixel data and a second frame of left channel pixel data are ready for simultaneously providing; and if the second frame of the right channel pixel data and the second frame of left channel pixel data are not ready for simultaneously providing, again simultaneously providing the first frame of the right channel pixel data and the first frame of the left channel pixel data in column 27 lines 45- 50.

As per claim 7 MacInnis teaches replacing at least a portion of the pixel data provided by the second of the multiple digital video data streams with at least a portion of the pixel data provided by the first of the multiple digital video data streams in column 48 lines 18- 26.

As per claim 8 MacInnis teaches utilizing chroma-key values for allocating the right channel pixel data and the left channel pixel data in column 23 lines 65- 67 and column 24 lines 1- 3.

As per claim 9 and 10 MacInnis teaches utilizing overscanned information contained in the active stereo video data for allocating the right channel pixel data and the left channel pixel data and one of various left and right channel buffers in column 47 lines 30- 36.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacInnis in view of Simpson et al, US Patent 6,466,205, hereinafter, Simpson.

As per claim 6 MacInnis does not teach receiving a first of the multiple digital video data streams containing three dimensional pixel data corresponding to the image to be rendered; and receiving a second of the multiple digital video data streams containing two dimensional pixel data corresponding to the image to be rendered in column; and combining the two-dimensional pixel data and the three-dimensional pixel data.

However, Simpson teaches receiving a first of the multiple digital video data streams

containing three dimensional pixel data corresponding to the image to be rendered; and receiving a second of the multiple digital video data streams containing two dimensional pixel data corresponding to the image to be rendered in column; and combining the two-dimensional pixel data and the three-dimensional pixel data in the abstract.

It would have been obvious to one of ordinary art at the time the invention was made to incorporate the teachings of Simpson into MacInnis to manipulate the image in order to produce resulting image representation including information beyond that directly available from the source of the image in column 4 lines 4- 8.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure US Patent 5,949,428, 6,229,553, 5,923,791, and 6,034,653.

Lanier (US Patent 6,400,374) teaches multiple data images, processing pixel data corresponding to portion of the image, association of a chroma- key value with some of the processed pixel data and merging multiple video data into a composite into a composite digital video data by referencing the chroma- key values.

Faris (US Patent 5,742,333) teaches 2d and 3d stereoscopic color images and multiplexing said images resulting in right and left images in real time.



Art Unit: 2676

### **Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305- 5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872- 9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305- 4750.

Mike Rahmjoo

February 28, 2003

  
MATTHEW C. BELLA  
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